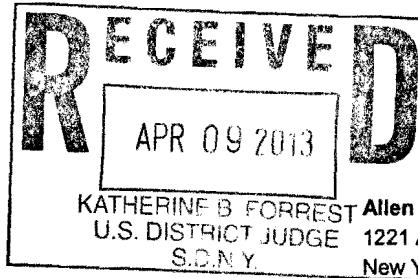


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Hon. Katherine B. Forrest
United States District Court
Southern District of New York
500 Pearl Street, Room 730
New York, NY 10007



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April 8, 2013

Re: SEC v. Fabrice Tourre, Case No. 10-cv-3229 (KBF)

Dear Judge Forrest:

We represent Defendant Fabrice Tourre in the above-referenced litigation.

As the Court is no doubt aware, as part of its opposition to Mr. Tourre's recent motion for partial summary judgment, the SEC filed an 80-paragraph "Separate Statement of Undisputed Material Facts" (the "Separate Statement"), *see* ECF No. 226, ¶¶ 146-226, the majority of which is substantially identical to the statement of undisputed material facts the SEC filed in support of its own motion for partial summary judgment, to which Mr. Tourre has already responded. *See* ECF No. 193. For the Court's convenience, we have enclosed herewith a copy of both documents.

Local Civil Rule 56.1 does not contemplate that a party opposing a summary judgment motion file a separate statement of undisputed material facts, providing only in subsection (b) that such a party can file "if necessary" a separate statement of additional material facts "as to which it is contended that there exists a genuine issue to be tried."

The Separate Statement should therefore be either stricken or disregarded. To the extent the Court wishes us to respond, we will obviously do so, and would respectfully request that the Court indicate a due date.

Ordered

Respectfully submitted,

Pamela Rogers Chepiga

Pamela Rogers Chepiga

Enclosures

*You are welcome
to respond if
you feel a need
to. If so, provide any response
by 4/17/13. (C.B.J.)*

4/10/13

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Copy via email: Matthew Martens, SEC
Richard Simpson, SEC
Christian Schultz, SEC
Briget Fitzpatrick, SEC